

CHAPTER NO. 781

HOUSE BILL NO. 2848

By Representative Bowers

Substituted for: Senate Bill No. 2966

By Senator Ford

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6, Part 1, relative to the Protective Parent Reform Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) This act shall be known as and may be cited as the "Protective Parent Reform Act."

(b) In any case involving child custody and visitation in which a judge, in the judge's discretion, appoints a guardian ad litem, Rule 40 of the Tennessee Rules of the Supreme Court regarding the role of the guardian ad litem shall be followed as applicable to the case.

(c) If a parent makes a good faith allegation based on a reasonable belief supported by facts that his or her child is the victim of child abuse, child neglect, or the effects of domestic violence, and if that parent acts lawfully and in good faith in response to that reasonable belief to protect the child or seek treatment for the child, then that parent shall not be deprived of custody, visitation, or contact with his or her child, or restricted in custody, visitation, or contact, based solely on that belief or the reasonable actions taken based on that belief.

(d) If an allegation that a child is abused is supported by a preponderance of the evidence, then the court shall consider such evidence of abuse in determining the visitation arrangement that is in the best interest of the child, and the court shall not place a child in the custody of a parent who presents a substantial risk of harm to that child.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 10, 2004



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 28th day of May 2004



PHIL BREDESEN, GOVERNOR